

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Yusuke Kohyama et al.

Serial No.: 09/631,830

Filed: August 3, 2000

For: STACKED CAPACITOR-TYPE
SEMICONDUCTOR STORAGE DEVICE
AND MANUFACTURING METHOD
THEREOF

Atty. Docket No.: 001701.00021

Group Art Unit: 2835

Examiner: H. Duong

Confirmation No.: 9692

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully apply for reconsideration under 35 U.S.C. 154(b) and 37 C.F.R. §1.705(b) of the patent term adjustment indicated on the notice of Determination of Patent Term Adjustment mailed December 3, 2002 for the above-captioned patent application.

The notice of Determination of Patent Term Adjustment set the term adjustment for the above-captioned application at 0 days. However, applicants respectfully submit that such a determination is not correct and that the proper term adjustment is 250 days.

As indicated below and as confirmed by the Patent Term Adjustment History from PAIR (copy attached), the first Office Action was mailed 250 days after the expiration of the 14 month time period for mailing a notice under 35 U.S.C. § 132 set forth in 35 U.S.C. § 154(b)(1)(A)(i)(I) and 37 C.F.R. §1.702(a)(1).

The applicants did not engage in any actions that would require a reduction in the patent term adjustment under 37 C.F.R. §1.704. Accordingly, under 37 C.F.R. §§1.702(a)(1) and 1.703(a)(1) the period of adjustment should be the number of days between the first day after the expiration of the 14 month time period and the date on which the first Office Action was issued - 250 days.

A statement of the facts is as follows:

The application was filed on August 3, 2000.

Fourteen months from the filing date of the application was October 3, 2001.

The first Office Action was mailed on June 10, 2002.

All Amendments/Responses by the applicants were filed within the three month time period set forth in 37 C.F.R. §1.704(b).

The above-captioned application is not subject to a terminal disclaimer.

The above set forth facts clearly support applicants' position that the proper term adjustment should be 250 days because (1) the number of days from October 3, 2001 to June 10, 2002 is 250 and (2) the applicants did not engage in any conduct that could be considered a failure to engage in reasonable efforts to conclude examination as defined in 37 C.F.R. §1.704 and thereby reduce the patent term extension.

Applicants also submit herewith a Fee Transmittal authorizing the requisite fee under 37 C.F.R. § 1.18(e) (\$200) to be charged to our Deposit Account No. 19-0733. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

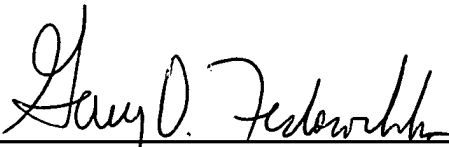
Applicants respectfully submit that the correct Patent Term Adjustment should be 250 days. A Notice to this effect and a correction of the patent term adjustment are requested.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: February 4, 2003

By:



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Serial No. 09/631,830



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File Contents History Foreign Priority Continuity Data Publication Review

Patent Term Adjustment (PTA) for application number: 09/631,830

	Days
Application Filing Date: 08-03-2000	USPTO Delay (PTO): 0
Issue Date of Patent: -	Three Years: -
Pre-Issue Petitions (days): +0	Applicant Delay (APPL): 0
Post-Issue Petitions (days): +0	Total PTA: 0
USPTO Adjustment (days): +0	Explanation of Calculations

Patent Term Adjustment History

Number	Date	Contents Description	PTO (days)	APPL (days)
16	12-03-2002	Mail Notice of Allowance		
15	12-02-2002	Notice of Allowance Data Verification Completed		
14	12-02-2002	Notice of Allowability		
13	09-17-2002	Date Forwarded to Examiner		
12	09-10-2002	Response after Non-Final Action		
11	06-10-2002	Mail Non-Final Rejection		
9	03-11-2002	Non-Final Rejection		
8	02-21-2002	Case Docketed to Examiner in GAU		
7	09-08-2000	Preliminary Amendment		
6	11-19-2000	Case Docketed to Examiner in GAU		
5	08-03-2000	Preliminary Amendment		
4	09-26-2000	Application Dispatched from OIPE		
3	09-26-2000	Correspondence Address Change		
2	08-22-2000	Application Scanned		
1	08-03-2000	Initial Exam Team nn		

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